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E.O. 12065:N/A

TAGS:EEWT, PGOV, JA

SUBJECT: AVIGLIANO V. SUMITOMO LITIGATION IN SUPREME COURT

REF: TOKYO 3120

1. JETRO BRIEF WAS FILED 20 JANUARY 1982 WITH CONSENT OF PARTIES. IT LISTS JOHN R. HORAN AS ATTORNEY (FOX GLYNN & MELAMED, ONE BROADWAY, NEW YORK, NY 10004, (212/ 480-4800)), AND DONALD T. FOX AND CARL L. DISTEFANO AS OF COUNSEL.

2. THE BRIEF EXPRESSES JETRO'S INTEREST IN LITIGATION IN FOLLOWING TERMS: "JETRO IS A NON-PROFIT ORGANIZATION INCORPORATED UNDER THE LAWS OF JAPAN AND OWNED BY THE GOVERNMENT OF JAPAN. IT WAS ESTABLISHED IN 1958 UNDER A SPECIAL LAW FOR THE PURPOSE OF FACILITATING AND PROMOTING JAPAN'S TRADE RELATIONS WITH OTHER COUNTRIES. JETRO MAINTAINS OFFICES IN THE UNITED STATES AND THROUGHOUT THE WORLD. ITS ACTIVITIES INCLUDE MARKET RESEARCH, DATA DISSEMINATION,

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EXPORT AND IMPORT PROMOTION, AND OVERSEAS PUBLIC RELATIONS WORK. IN RECENT YEARS JETRO HAS CONSIDERABLY EXPANDED THE SCOPE OF ITS EFFORTS IN REGARD TO INTERNATIONAL ECONOMIC COOPERATION, IMPORT PROMOTION AND OVERSEAS INVESTMENT. THROUGH ITS ACTIVITIES JETRO HAS ACQUIRED CONSIDERABLE KNOWLEDGE AND EXPERIENCE WITH RESPECT TO JAPANESE DIRECT INVESTMENT IN THE UNITED STATES THAT MAY ASSIST THE COURT IN ITS CONSIDERATION OF THIS CASE.

-- BRIEF STATES THAT JETRO'S PURPOSE "IS TO PROVIDE THE COURT WITH FACTUAL INFORMATION REGARDING JAPANESE DIRECT INVESTMENT IN THE UNITED STATES AND TO DEMONSTRATE HOW THE DECISION OF THE COURT BELOW IMPERILS THE FUTURE OF SUCH INVESTMENT IN DIRECT CONTRADICTION OF THE TREATY'S OVERALL PURPOSE." BRIEF THEN FOCUSES PRIMARILY ON MUTUAL BENEFITS ALLEGED TO ARISE FROM JAPANESE INVESTMENT IN U.S. AND CONCLUDES THAT TREATY SHOULD BE GIVEN BROAD READING, EXEMPTING JAPANESE EMPLOYERS FROM CIVIL RIGHTS ACT INSOFAR AS THEIR SELECTION OF JAPANESE NATIONALS FOR

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DEPARTMENT OF STATE A/CDC/MR	
REVIEWED BY <i>[Signature]</i>	DATE <i>2-30-82</i>
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TREATY POSITIONS IS CONCERNED.

3. ANY FEEDBACK FROM MOFA WILL HAVE TO BE RECEIVED IN
NEXT FEW DAYS TO BE INCORPORATED INTO USG BRIEF. HAIG
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